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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/766,784	01/22/2001	Marc Morin	CISCP239	8354
22434	7590	11/18/2005	EXAMINER	
BEYER WEAVER & THOMAS LLP			KLIMACH, PAULA W	
P.O. BOX 70250			ART UNIT	PAPER NUMBER
OAKLAND, CA 94612-0250			2135	

DATE MAILED: 11/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No.	Applicant(s)
	09/766,784	MORIN, MARC
	Examiner	Art Unit
	Paula W. Klimach	2135

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 31 August 2005.  
 2a) This action is FINAL. 2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-15 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) 1-8 and 15 is/are allowed.  
 6) Claim(s) 9-14 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) Notice of References Cited (PTO-892)  
 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)  
 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
 Paper No(s)/Mail Date \_\_\_\_\_.  
 4) Interview Summary (PTO-413)  
 Paper No(s)/Mail Date. \_\_\_\_\_.  
 5) Notice of Informal Patent Application (PTO-152)  
 6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Response to Amendment***

This office action is in response to amendment filed on 08/31/05. The amendment filed on 08/31/05 have been entered and made of record. Therefore, presently pending claims are 1-15.

### ***Response to Arguments***

Applicant's arguments filed 08/31/05 have been fully considered but they are not persuasive because of following reasons.

Independent the features recited in claims 9 and 13 are disclosed in the combination of Lenihan and Schneier wherein Lenihan discloses the use of the PCR and Schneier discloses the use the digital signature. Therefore the rejections of claim 9 and 13 are maintained.

Although the applicant argued the features that distinguished claim 1 from the reference; however the applicant failed to argue any distinguishing characteristics of claim 9 and 13 from the combination of Lenihan and Schneier.

In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the PCR or a portion of the PCR field should be replaced with a digital signature (emphasis added)") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in

view of the specification. Therefore, the examiner asserts that Lenihan and Schneier do teach or suggest the subject matter broadly recited in independent Claims 9 and 13. Dependent Claims 10-12 and 14 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action. Accordingly, rejections for claims 9-14 are respectfully maintained.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-14 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Lenihan et al. (6169843) in view of Schneier.

*In reference to claims 9 and 13, Lenihan et al. (6169843) discloses the modification of the PCR (fig. 3B). So that each of the six bytes has the least significant bit equal to zero (column 7 lines 43-65). Conditional access messages are used for the decryption and therefore authentication of the receiving system.*

However Lenihan does not disclose the modification of the PCR by logically anding off a portion of the lower bits, and therefore inserting the digital signature.

Schneier discloses the association of the digital signature with a timestamp (page 38).

The PCR is timing information used in the transmission of digital multimedia information.

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to insert the timestamp associated digital signature of Schneier in the modification of Lenihan. One of ordinary skill in the art would have been motivated to do this because relating the timestamp and the digital signature discourages fraudulent activity of the reuse of digitally signed information.

*In reference to claims 10, and 14, the wherein the digital signature may span a plurality of PCR fields in a plurality of packets. The number of packets used to store the digital signature is dependent on the size of the digital signature because the digital signature depends on the hash of the document (Schneier page 38 paragraph 6).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to insert the timestamp associated digital signature of Schneier in the modification of Lenihan. One of ordinary skill in the art would have been motivated to do this because relating the timestamp and the digital signature discourages fraudulent activity of the reuse of digitally signed information.

*In reference to claim 11, wherein the digital signature is encrypted to produce an encrypted signature (Schneier page 37).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to encrypt the digital signature as in Schneier. One of ordinary skill in the art would have been motivated to do this because by decrypting the signature with the public key the information is authenticated.

*In reference to claim 12, wherein the encrypted signature is scrambled to provide for error correction. It is common practice to add error correction to packets that are transported over the network (Schneier page 179 paragraph 1).*

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to add a verification block as in Schneier in the system of Lenihan. One of ordinary skill in the art would have been motivated to do this because a receiver can detect if a particular key he has received is correct.

***Allowable Subject Matter***

Claims 1-8 and 15 are allowed.

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PWK  
Monday, November 14, 2005

*H.S.* *S*  
Primary Examiner  
Art Unit 2135